

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANA TAMBERELLI,

Plaintiff,

v.

ALKERMES, INC., MICHAEL
BAUER, MICHAEL BROUSSEAU,
and MADELINE COFFIN,

Defendants.

:
:
: No. 3:16-cv-01681-RDM
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: Hon. Robert D. Mariani
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:

DECLARATION OF DAVID L. DERATZIAN

1. I am over the age of eighteen. I have personal knowledge of the facts in this Declaration and, if asked, could competently testify to these facts.

2. Plaintiff Dana Tamberelli (“Ms. Tamberelli”) retained Hahalis & Kounoupis, P.C. to represent her as her attorneys in the above-captioned case.

3. Thereafter, through the normal course of business, the matter was assigned to me for the litigation phase of the case.

4. On June 2, 2017, I sent an email to counsel for Defendants Alkermes, Inc., Michael Bauer, Michael Brousseau, and Madeline Coffin (collectively, “Defendants”) expressing an interest in discussing settlement prior to the

Plaintiff's scheduled June 6, 2017 deposition. A true and correct copy of that email is attached hereto as Exhibit 1.

5. Counsel for Defendants, Barbara Rigo ("Ms. Rigo"), and I engaged in settlement discussions.

6. On June 5, 2017, I had several telephone calls with Ms. Rigo to negotiate settlement while Plaintiff was present in our offices in anticipation of her deposition the next day.

7. Ms Tamberelli participated in the discussion of settlement outside of the presence of Ms Rigo.

8. During our third call that day, I accepted, on Ms. Tamberelli's behalf, an offer to settle this case made by Defendants.

9. At the time I accepted Defendants' settlement offer on Ms. Tamberelli's behalf, I had express authority from Ms. Tamberelli to do so. That is, Ms. Tamberelli directly instructed me to accept the settlement offer in the amount and on the terms proposed by Ms Rigo.

10. Had I not had express authority from Ms. Tamberelli, I would not have accepted Defendants' offer on her behalf.

11. At the time I accepted Defendants' offer on June 5, 2017, I specifically told Ms. Rigo that I had express authority from my client to settle the

case so that there would be no question that the negotiations had ended in a settlement on mutually agreed terms.

12. During my discussion with Ms. Rigo on June 5, 2017, we reached agreement not only on the settlement amount, but on other specific terms to be included in the parties' written settlement agreement and agreed we would work out any other non-essential specifics upon review of a written draft agreement.

13. Ms. Rigo followed up with an email confirming our agreement on June 5, 2017. A true and correct copy of that email is attached hereto as Exhibit 2 (confidential information redacted).

14. On June 12, 2017, I emailed Ms. Rigo requesting that she send me the written settlement agreement. A true and correct copy of that email is attached hereto as Exhibit 3.

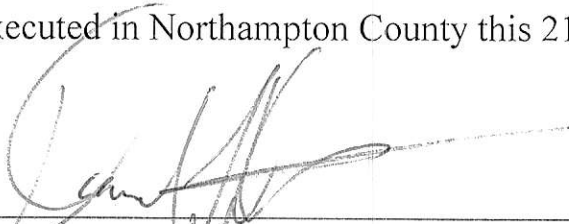
15. On June 15, 2017, I informed Ms. Rigo by email that I had been discharged by Plaintiff.

16. There additional facts which further confirm that I had actual and express authority to settle which are currently protected from disclosure by the attorney-client privilege and/or as attorney work product which could be disclosed to the Court in the event of waiver by Ms Tamberelli and/or Order of the Court.

17. Because of the impending discovery deadline, I anticipate filing a Motion to Withdraw as her counsel within the next week.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed in Northampton County this 21st day of June, 2017.

A handwritten signature in dark ink, appearing to read 'David L. Deratzian', is written over a horizontal line. The signature is stylized with a large initial 'D' and a long, sweeping horizontal stroke.

DAVID L. DERATZIAN

EXHIBIT 1

From: David Deratzian <David@employmentlaw-lv.com>
Sent: Friday, June 02, 2017 1:29 PM
To: Sopher, Paul J.
Subject: RE: Tamberelli v. Alkermes et al. - Updated Privilege Log

Paul,

Before we embark on the deposition tour, I was wondering if there was any interest in discussing settlement. Let me know.

D

David L. Deratzian | Attorney at Law | Hahalis & Kounoupis, P.C. | 20 East Broad Street | Bethlehem, PA 18108| Telephone: (610) 865-2608| Fax: (610) 691-8418 | Direct Fax: (215) 790-6214
David@employmentlaw-lv.com | www.Employmentlaw-lv.com



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Thank you.

From: Sopher, Paul J. [<mailto:PSopher@littler.com>]
Sent: Thursday, June 1, 2017 2:25 PM
To: David Deratzian
Cc: Rigo, Barbara Rittinger
Subject: Tamberelli v. Alkermes et al. - Updated Privilege Log

David,

Please find Defendant's updated privilege log attached.

Thanks,
Paul

Paul J. Sopher, Associate
267.402.3019 direct 267.285.2754 fax PSopher@littler.com
Three Parkway, 1601 Cherry Street, Suite 1400 | Philadelphia, PA 19102-1321

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EXHIBIT 2

From: Rigo, Barbara Rittinger <BRigo@littler.com>
Sent: Monday, June 05, 2017 1:35 PM
To: David Deratzian (David@employmentlaw-lv.com)
Cc: Sopher, Paul J.
Subject: Tamberelli v. Alkermes et. al.

David,

This is to confirm that the parties have agreed to resolve Ms. Tamberelli's litigation for the total amount of [REDACTED]. As we discussed, I will be providing you with a draft agreement in the next day or so. I have asked my client and will get you specifics on taxation and what the [REDACTED] clause will look like as soon as I hear back. If you know what your attorney fee will be already we can write that into the draft agreement as well. Just let me know.

Thanks.

Barbara Rittinger Rigo, Shareholder
267.402.3009 direct 267.960.5473 fax brigo@littler.com
Three Parkway, 1601 Cherry Street, Suite 1400 | Philadelphia, PA 19102-1321



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EXHIBIT 3

From: "David Deratzian" <David@employmentlaw-lv.com>
Date: June 12, 2017 at 12:30:19 PM EDT
To: "Rigo, Barbara Rittinger" <BRigo@littler.com>
Subject: RE: Tamberelli v. Alkermes et. al.

Can you please send me a Settlement Agreement for review? Hope springs eternal.

D

From: Rigo, Barbara Rittinger [<mailto:BRigo@littler.com>]
Sent: Monday, June 5, 2017 1:35 PM
To: David Deratzian
Cc: Sopher, Paul J.
Subject: Tamberelli v. Alkermes et. al.

David,

This is to confirm that the parties have agreed to resolve Ms. Tamberelli's litigation for the total amount of [REDACTED]. As we discussed, I will be providing you with a draft agreement in the next day or so. I have asked my client and will get you specifics on taxation and what the [REDACTED] clause will look like as soon as I hear back. If you know what your attorney fee will be already we can write that into the draft agreement as well. Just let me know.

Thanks.

Barbara Rittinger Rigo, Shareholder
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